

second absorbent core component may be removed from the absorbent article through the backsheet without having to remove the absorbent article from a wearer, the first access means comprising a first discontinuity in the web, the first discontinuity being positioned in the first waist region, a first recloseable flap secured over the first discontinuity, and a first fastener for recloseably joining the first flap to the backsheet.

REMARKS

By the amendments presented, the Summary of the Invention has been rewritten to conform with the invention description requirement as suggested by the Examiner.

Also by the amendments presented, the specification has been amended to replace the amended term "aperture 44" with the term "opening 41" on pages 7 and 12.

Also by the amendments presented, the abstract has been amended in the manner suggested by the Examiner to more clearly characterize the backsheet of the claimed invention as a backsheet having at least one discontinuity that forms an aperture in the backsheet.

Also by the amendments presented, Figures 1 and 2 on page 1/12 have been amended to correctly label opening 41 which is a discontinuity formed in Applicants' backsheet, and which provides access to the absorbent members of the back panel absorbent core component. Amended Figures 1 and 2 also provide the drawing lines changes recited in Applicants' amendment filed on November 23, 1998.

Also by the amendments presented, Figure 4 on page 2/12 has been amended to denote element 44 which is an aperture formed in the general proximity of the front and back panels allowing fluid communication of the back panel absorbent core component with the center absorbent core component. Amended Figure 4 also provides the drawing lines changes recited in Applicants' amendment filed on November 23, 1998.

Also by the amendments presented, drawing pages 3/12 (Figure 5), and 5/12 (Figure 7) are submitted to provide the corrected changes recited in Applicants' amendment filed on November 23, 1998.

Also by the amendments presented, Figure 8 on page 6/12 has been amended to correctly label periphery 57.

Also by the amendments presented, Figure 10 on page 8/12 has been amended to correctly label opening 41. Amended Figure 10 also provides the amendment to element 57 (the periphery), and the drawing lines changes recited in Applicants' amendment filed on November 23, 1998.

Also by the amendments presented, Claims 16, 21-22, 28-31, 34-36, 40-42, and 45-81 have been canceled without prejudice.

Also by the amendments presented, Claim 11 has been amended to more clearly characterize the absorbent core, and absorbent core components, of the claimed composition. Specifically, Claim 11 has been amended to more clearly characterize the first absorbent core component as being a "non-removable" first absorbent core component, and to recite that the claimed absorbent article has at least one removable absorbent core component. Support for these amendments is found in Applicants' specification at page 4, lines 3-5.

Upon entry of the amendments presented, Claims 11-12, 14, 17, 20, 32-33, 37-39, and 43-44 remain in the application. No additional claims fee is due.

Invention Synopsis

The present invention is directed to an absorbent article suitable for absorbing and retaining aqueous body fluids. The disclosed absorbent article comprises a topsheet, an absorbent core, and a backsheet. The absorbent core of the claimed absorbent article comprises multiple absorbent core components wherein each component can provide for fluid acquisition, fluid acquisition/distribution, or fluid storage/redistribution performance, and wherein the absorbent core components include 1) a non-removable first absorbent core component having non-removable absorbent members that are made from materials selected from the group consisting of fibrous nonwoven materials, open-celled polymeric foam materials, absorbent gelling materials, and mixtures thereof; 2) a removable second absorbent core component that is positioned in a first waist region of the backsheet, and that has removable absorbent members made from materials selected from the group consisting of fibrous nonwoven materials, open-celled polymeric foam materials, absorbent gelling materials, and mixtures thereof; and 3) a removable third absorbent core component that is positioned in a second waist region of the backsheet, and that has removable absorbent members made from materials selected from the group consisting of fibrous nonwoven materials, open-celled polymeric foam materials, absorbent gelling materials, and mixtures thereof.

It has been found that an absorbent article can be manufactured to contain a combination of non-removable and removable absorbent components to provide for improved reuse of the absorbent article. The removable absorbent components of the present invention contain absorbent materials that can be removed from the absorbent article without the need to remove the article from the wearer. It has been found that these removable absorbent materials can also be effectively replaced with identical absorbent materials without removing the article from the wearer.

Formal Matters**a) Restriction Requirement**

Restriction of Applicants' claimed invention has been required under 35 U.S.C. 121. The Examiner identified the following eighteen (XVIII) patentably distinct groups to be prosecuted separately on the merits, and also required an election of species within the elected group:

Group I: Claims drawn to the species of Figures 1 and 2 (perspective and side views of discrete components of the absorbent core), and the capillary suction specific surface area values exhibited by the fluid storage/redistribution members of an absorbent core component.

Group II: Claims drawn to the species of Figures 1 and 2, and a comparison of capillary suction specific surface area values exhibited by fluid storage/redistribution members of individual absorbent core components.

Group III: Claims drawn to the species of Figures 3 and 4 (perspective views of the back panel absorbent core component disposed in a pocket formed on the absorbent article backsheet), and the capillary suction specific surface area values exhibited by the fluid storage/redistribution members of an absorbent core component.

Group IV: Claims drawn to the species of Figures 3 and 4, and a comparison of capillary suction specific surface area values exhibited by fluid storage/redistribution members of individual absorbent core components.

Group V: Claims drawn to the species of Figure 5 (perspective view of the back panel absorbent core component containing multiple back panel members that are in a layered relationship, and that are in fluid communication with the center absorbent core component), and the capillary suction specific surface area values exhibited by the fluid storage/redistribution members of an absorbent core component.

Group VI: Claims drawn to the species of Figure 5, and a comparison of capillary suction specific surface area values exhibited by fluid storage/redistribution members of individual absorbent core components.

Group VII: Claims drawn to the species of Figure 6 (perspective view of the back panel absorbent core component containing multiple back panel members that are in a layered relationship with a fluid impervious blocking layer disposed between them), and the capillary suction specific surface area values exhibited by the fluid storage/redistribution members of an absorbent core component.

Group VIII: Claims drawn to the species of Figure 6, and a comparison of capillary suction specific surface area values exhibited by fluid storage/redistribution members of individual absorbent core components.

Group IX: Claims drawn to the species of Figure 7 (perspective view of the back panel absorbent core component containing a single back panel member enveloped between a substantially fluid impervious layer and a substantially fluid pervious layer), and the capillary suction specific surface area values exhibited by the fluid storage/redistribution members of an absorbent core component.

Group X: Claims drawn to the species of Figure 7, and a comparison of capillary suction specific surface area values exhibited by fluid storage/redistribution members of individual absorbent core components.

Group XI: Claims drawn to the species of Figure 8 (perspective view of the absorbent article backsheet without any discontinuities forming an opening through the backsheet), and the capillary suction specific surface area values exhibited by the fluid storage/redistribution members of an absorbent core component.

Group XII: Claims drawn to the species of Figure 8, and a comparison of capillary suction specific surface area values exhibited by fluid storage/redistribution members of individual absorbent core components.

Group XIII: Claims drawn to the species of Figures 9-11 (perspective views of the discrete components of the absorbent article of the present invention), and the capillary suction specific surface area values exhibited by the fluid storage/redistribution members of an absorbent core component.

Group XIV: Claims drawn to the species of Figures 9-11, and a comparison of capillary suction specific surface area values exhibited by fluid storage/redistribution members of individual absorbent core components.

Group XV: Claims drawn to the species of Figures 11-12 (perspective views of the center absorbent core component in combination with single front and back panels), and the capillary suction specific surface area values exhibited by the fluid storage/redistribution members of an absorbent core component.

Group XVI: Claims drawn to the species of Figures 11-12, and a comparison of capillary suction specific surface area values exhibited by fluid storage/redistribution members of individual absorbent core components.

Group XVII: Claims drawn to the species of Figures 11 and 13 (perspective views of the center absorbent core component in combination with multiple front panels and multiple back panels), and the capillary suction specific surface area values exhibited by the fluid storage/redistribution members of an absorbent core component.

Group XVIII: Claims drawn to the species of Figures 11 and 13, and a comparison of capillary suction specific surface area values exhibited by fluid storage/redistribution members of individual absorbent core components.

In a telephone conversation with the Examiner on September 3, 1999, Applicants' undersigned representative provisionally elected, with traverse, the single disclosed species of Figures 1-2 and claims directed to the comparison of different capillary suction specific surface values exhibited by fluid storage/redistribution members of individual absorbent core components (Claims 11-12, 14, 17, 20, 29, 32-33, 37-38, and 42-44).

Applicants hereby provisionally elect, with traverse, to prosecute the remaining Claims drawn to the subject matter of Group I. Remaining Claims 11-12, 14, 17, 20, 32-33, 37-38, and 43-44 are drawn to the provisionally elected subject matter of Group I. Claims 29 and 42 have been canceled without prejudice.

Applicants respectfully submit that the restriction requirement in the present application is improper. Even if a claimed invention actually constitutes two or more independent and distinct inventions, the examination of such inventions in a single application must be unduly burdensome on the Examiner in order to support a restriction requirement. An examination of the present application, as a single unrestricted application, would not be unduly burdensome on the Examiner since a thorough art search directed to the subject matter of Group I could also be applied to an examination of the claims drawn to the subject matter of Groups II-XVIII.

In view of the foregoing remarks, Applicants respectfully submit that the Restriction Requirement applied in the present application is improper. However, to advance the prosecution of the present application Applicants have provisionally elected to prosecute remaining Claims 11-12, 14, 17, 20, 32-33, 37-38, and 43-44.

b) Specification

The disclosure has been objected to in a previous Office Action, Paper No. 4, on page 2, lines 14-16 for alleged inconsistencies in Figures 3-8, 10, and 14-15 of Applicants' drawings. The Examiner has requested identification of the roller vertically between the nip 93 and the cut assembly 95 in Figures 14-15. Also, the Examiner contends that identical numerals are being used to identify different structures in Figures 3-8, and 10.

As to Figures 14-15, Applicants traverse this objection. Applicants again respectfully submit that the rollers positioned between the nip 93 and the cut assembly 95 merely provide the functions of directing and placing web 84 from nip 93 to cut assembly 95, and are not considered essential elements of Applicants' now claimed invention. Therefore, these rollers are not labeled in Applicants' drawings. Accordingly, this objection should be withdrawn.

As to Figures 3-8, Applicants submit that the drawings have been amended to correctly label the two distinct discontinuities formed in the backsheet component of the absorbent article. Specifically, Figure 4 has been amended to more clearly denote "opening

41" as compared to "aperture 44", thus obviating the objection as it would apply to this figure. Applicants further submit that Figure 8 has been amended to correctly denote the periphery as element 57, not element 42, thus obviating the objection as it would apply to this figure. Applicants respectfully traverse the objection to Figures 3-5 as it relates to elements 42 and 43, and submit that element 42 (a back flap) and element 43 (fasteners) of Figures 3-5 are shown in expanded and unexpanded views, and that these elements are identical to element 42 and 43 of Figures 1-2. Applicants submit that this objection is not applicable to Figures 6 and 7 because elements 42 and 43 are not shown in these particular figures.

As to Figure 10, Applicants have amended this drawing to correctly label the periphery as element 57, not element 55, thus obviating this objection.

The disclosure has also been objected to for recitation of the phrase "opening 41" rather than "aperture 44" at page 7, lines 28, 30, and 31. Applicants respectfully submit that one of the discontinuities of Applicants' backsheet, "opening 41", is properly identified in the specification at page 7, lines 28, 30, and 31. Applicants have corrected previous amendments to the term "opening 41" in the specification at pages 7 and 12. Accordingly, this objection is obviated, and should be withdrawn.

The disclosure has also been objected to for improper description of Applicants' now claimed invention in the Summary of the Invention. Responsive to this objection, the Summary of the Invention has been rewritten in the manner suggested by the Examiner, thus obviating this objection.

The disclosure has also been objected to under 35 U.S.C. 132 for alleged new matter in Claims 12, 14, 17, 20, 29, 37, 38, and 42. Responsive to this objection Claims 29 and 42 have been canceled without prejudice, thus obviating this objection as it would apply to these claims. Applicants respectfully traverse this objection as it would apply to Claims 12, 14, 17, 20, 37, and 38. Applicants submit that in the specification at page 17, lines 14-33, and originally filed Claims 14 and 20, the absorbent core components are defined as being made of any absorbent core material or a combination of absorbent materials wherein suitable absorbent materials include fibrous nonwoven materials, polymeric foam materials, and open-celled polymeric foam materials. Accordingly, objection of remaining Claims 12, 14, 17, 20, 37, and 38 should be withdrawn.

c) Drawings

The drawings of Applicants' application have been approved in part. Specifically, the Examiner has approved Figures 1-2, 4-5, 7 and 14-16, and has objected to Figures 3, 6, and 8-13.

Figures 8 and 10 have been objected to for alleged inconsistent notations of elements 42 and 57 in these respective drawings. Responsive to this objection, Figure 8 has been amended to correctly denote the periphery 57 as also shown in Figure 10, thus obviating this objection.

Figure 8 has also been objected to for the alleged mislabeling of element 42 in this drawing. The Examiner contends that element 42 of Figure 8 is different than element 42 of Figures 1-2, and 3-4. Responsive to this objection, Figure 8 has been amended to correctly denote the periphery as element 57, not element 42, thus obviating this objection.

Figures 3 and 4 have also been objected to for exemplification of an expanded view of Applicants' absorbent core center 50 in Figure 3, and an unexpanded view of this center section of the absorbent core in Figure 4. Applicants respectfully traverse this objection. Applicants submit that the absorbent core center is clearly shown in Figures 3 and 4 as originally submitted, and that Figures 5 and 9 further supports Applicants' expanded and unexpanded views of element 50.

Figures 3-8 have also been objected to for the alleged mislabeling of elements 42 and 43 in these drawings. The Examiner contends that elements 42 and 43 of Figures 3-8 are shown as different structures as compared to elements 42 and 43 of Figures 1-2. Applicants have amended Figure 8 to correctly denote the periphery as element 57, not element 42, thus obviating this objection as it would apply to this figure. Applicants respectfully traverse the objection to Figures 3-5 as it relates to elements 42 and 43, and submit that element 42 (a back flap) and element 43 (fasteners) of Figures 3-5 are shown in expanded and unexpanded views, and that these elements are identical to element 42 and 43 of Figures 1-2. Applicants further submit that this objection is not applicable to Figures 6 and 7 because elements 42 and 43 are not shown in these particular figures.

Figures 7-8, and 10 have been objected to for denoting element 55 as different structures in these drawings. Responsive to this objection, Figure 10 has been amended to correctly label the periphery as element 57, not element 55(a fluid pervious layer). Figure 8 has also been amended to correctly denote the periphery as element 57, thus obviating this objection as it would apply to these figures.

In light of the clarifying amendments to Figures 8 and 10, and in light of the foregoing observations, Applicants respectfully submit that the drawings as they now stand are correct. These objections should, therefore, be withdrawn.

d) Rejection under 35 U.S.C. 112 (1st paragraph)

Claims 12, 14, 17, 20, 29, 32-39, 42, and 44 have been rejected under 35 U.S.C. 112 (1st paragraph). Claims 12, 14, 17, 20, 32-39, and 44 have been rejected for reciting that the claimed absorbent core components comprise a mixture of absorbent materials. Claims 29

and 42 have been rejected for reciting that the claimed absorbent core components exhibit different capillary suction specific surface area values.

Responsive to this rejection, Claims 29, 34-36, and 42 have been canceled without prejudice, thus obviating this rejection as it would apply to these claims. As to Claims 12, 14, 17, 20, 32-33, 37-39, and 44 Applicants respectfully traverse this rejection. Applicants submit that in the specification at page 17, lines 14-33, and originally filed Claims 14 and 20, the absorbent core components are defined as being made of any absorbent material or a combination of absorbent materials wherein suitable absorbent materials include fibrous nonwoven materials, polymeric foam materials, and open-celled polymeric foam materials.

In light of the amendments to Claims 29, 34-36, and 42, and in light of the foregoing observations, Applicants respectfully submit that remaining Claims 12, 14, 17, 20, 32-33, 37-39, and 44 as they now stand are in complete compliance with the description requirement of 35 USC 112 (1st paragraph). These rejections should, therefore, be withdrawn.

e) Rejection under 35 U.S.C. 112 (2nd paragraph)

Claims 11-12, 14, 17, 20, 29, 32-33, 37-39, and 42-44 have been rejected under 35 U.S.C. 112 (2nd paragraph) as being indefinite for failing to particularly point out and distinctly define the absorbent core components of the claimed invention. Responsive to this rejection, Claim 42 has been canceled without prejudice, thus obviating this rejection as it would apply to this claim. Also responsive to this rejection, Claim 11 and remaining dependent claims therefrom have been amended to more clearly characterize the absorbent article as having at least one removable absorbent core component, thus obviating this rejection as it would apply to these claims.

Claims 12, 14, 17, 20, 32, 37-38, and 39 have also been rejected under 35 U.S.C. 112 (2nd paragraph) as being indefinite for recitation of the terms "comprising" and "consisting" in these claims. Applicants respectfully traverse this rejection. Applicants submit that the term "consisting" is recited in Claims 12, 17, and 37 as part of a proper Markush language recitation (See MPEP 2173.05(h)), and that "comprising" is a proper transitional term between the preamble and body of Claims 12, 14, 17, 20, 32, 37-38, and 39 (See MPEP 2111.03).

In light of the amendments to Claims 11 and 42, and in light of the foregoing observations, Applicants respectfully submit that remaining Claims 11-12, 14, 17, 20, 32-33, 37-39, and 43-44 as they now stand are in complete compliance with the definiteness requirement of 35 USC 112 (2nd paragraph). These rejections should, therefore, be withdrawn.

Art Rejections

Lewis in view of Schiff and Marcus

Claims 11, 41, and 43-44 have been rejected under 35 U.S.C. 103 as being unpatentably obvious over Lewis (GB 493,819) in view of Schiff (U.S. Patent 833, 849) and Marcus (U.S. Patent 2,688,328). The Examiner contends that it would have been obvious to incorporate the defined backsheet, recloseable flap, and fasteners disclosed in Schiff or Marcus into an absorbent article of Lewis, to thereby realize Applicants' invention. Applicants respectfully traverse this rejection as it would apply to the amended claims.

Lewis discloses an absorbent article such as a baby diaper which provides improved fastening means, and which comprises a crotch region terminating in waistband parts, wherein the waistband parts include a first end having openings and a second end having non-metallic hook-like devices to engage the openings. Lewis further discloses that the absorbent article has a topsheet having an optional slit, a backsheet having an optional slit, and a removable pad that can be made of single or multi-layer materials and that is interposed between the topsheet and backsheet. Lewis, however, fails to disclose an absorbent article comprising 1) an absorbent core containing a combination of absorbent core components wherein a non-removable first absorbent core component such as an absorbent pad containing single or multi-layered non-removable absorbent core materials is disposed in the crotch region, and a removable second absorbent core component containing single or multi-layered removable absorbent core materials is disposed in a first waist region of a defined backsheet, or 2) a backsheet having a recloseable flap securedly positioned over a backsheet discontinuity.

Schiff discloses an absorbent article such as a catamenial garment which provides for the changing of a pad or napkin without the need to remove the garment. The catamenial garment disclosed in Schiff comprises two separate openings, one in the front and one in the rear of the garment; and two recloseable flaps that are securedly positioned over the openings, and that provide for the removal of a pad or napkin. Schiff, however, fails to disclose an absorbent article comprising an absorbent core containing a combination of absorbent core components wherein 1) a non-removable first absorbent core component such as an absorbent pad containing single or multi-layered non-removable absorbent core materials is disposed in the crotch region, and 2) a removable second absorbent core component containing single or multi-layered removable absorbent core materials is disposed in a first waist region of a defined backsheet.

Marcus discloses an absorbent article such as a diaper which comprises a removable pad insert; a topsheet; and a backsheet having a discontinuity in the front region, and a recloseable flap that is positioned over the discontinuity providing access to the removable pad. Marcus, however, fails to disclose an absorbent article comprising an absorbent core

containing a combination of absorbent core components wherein 1) a non-removable first absorbent core component such as an absorbent pad containing single or multi-layered non-removable absorbent core materials is disposed in the crotch region, and 2) a removable second absorbent core component containing single or multi-layered removable absorbent core materials is disposed in a first waist region of a defined backsheet.

Applicants respectfully submit that the combined disclosures of the Lewis, Schiff, and Marcus references, in any combination, fail to teach or suggest the absorbent article of Applicants remaining Claims 11, and 43-44, as amended. None of these applied references teaches or suggests an absorbent article comprising an absorbent core having a defined combination of absorbent core components wherein the absorbent core components can be of a single absorbent material or contain multiple layers of absorbent materials. The Lewis and Schiff references teach an absorbent article that comprises one removable absorbent core component that can contain a single layer or multiple layers of absorbent materials, and that is disposed in a typical crotch region of an absorbent article. Marcus teaches an absorbent article that comprises one removable absorbent core component that can contain a single layer or multiple layers of absorbent materials, and that is removable through a discontinuity in the front region of Marcus' backsheet. By contrast, Applicants remaining amended Claims 11, and 43-44, are now limited to an absorbent core comprising a combination of absorbent core components wherein a *non-removable* first absorbent core component is disposed in the crotch region, and a *removable* second absorbent core component is disposed in a first waist region of Applicants' backsheet.

Moreover, Applicants submit that the incorporation of the backsheet of Schiff or Marcus into an absorbent article of Lewis would still be deficient in comprising an absorbent core containing a non-removable absorbent core component in combination with a removable absorbent core component. The combined disclosure of Lewis and Schiff would result in an absorbent article containing one removable absorbent core component. The combined disclosure of Lewis and Marcus would result in an absorbent article containing a combination of two removable absorbent core components. Therefore, Applicants submit that the teachings of these particular applied references would not obviously lead the skilled artisan to a realization of Applicants' invention as it relates to amended Claims 11, and 43-44.

In view of the foregoing remarks, Applicants respectfully submit that these applied references, in any combination, do not render Applicants' remaining amended Claims 11, and 43-44 unpatentably obvious under 35 USC 103. Rejection of these claims over Lewis in view of Schiff and Marcus is improper and should, therefore, be withdrawn.

Murphy, Lewis, Schiff, and Marcus

Claims 11, 33, and 43-44 have been rejected under 35 U.S.C. 103 as being unpatentably obvious over Murphy (GB 734,994), Lewis (GB 493,819), Schiff (U.S. Patent 833, 849), and Marcus (U.S. Patent 2,688,328). The Examiner contends that it would have been obvious to realize Applicants invention as it relates to Claims 11, 33, and 43-44 based on the teachings of the Murphy, Lewis, Schiff, and Marcus references. Applicants respectfully traverse this rejection as it would apply to the amended claims.

Murphy discloses an absorbent article such as a diaper which comprises detachable fastening means, and a pocket formed between two sheets of materials (e.g., a topsheet and a backsheet) wherein the pocket optionally contains additional absorbent materials including one or more absorbent pads. Murphy further discloses that the indicative topsheet material has an opening that provides access to the pocket for insertion and/or removal of the absorbent material(s). Murphy, however, fails to disclose an absorbent article comprising 1) an absorbent core containing a combination of absorbent core components wherein a non-removable first absorbent core component such as an absorbent pad containing single or multi-layered non-removable absorbent core materials is disposed in the crotch region, and a removable second absorbent core component containing single or multi-layered removable absorbent core materials is disposed in a first waist region of a defined backsheet, or 2) a backsheet having two distinct discontinuities formed in the backsheet.

Lewis discloses an absorbent article such as a baby diaper which comprises a topsheet having an optional slit, a backsheet having an optional slit, and a removable pad that can be made of single or multi-layer materials and that is interposed between the topsheet and backsheet. Lewis, however, fails to disclose an absorbent article comprising 1) an absorbent core containing a defined combination of absorbent core components, or 2) a backsheet having a recloseable flap securedly positioned over a backsheet discontinuity.

Schiff discloses an absorbent article such as a catamenial garment which comprises two separate openings, one in the front and one in the rear of the garment; and two recloseable flaps that are securedly positioned over the openings, and that provide for the removal of a pad or napkin. Schiff, however, fails to disclose an absorbent article comprising an absorbent core containing a defined combination of absorbent core components wherein a non-removable first absorbent core component is combined with a removal second absorbent core component.

Marcus discloses an absorbent article such as a diaper which comprises a removable pad insert; a topsheet; and a backsheet having a discontinuity in the front region, and a recloseable flap that is positioned over the discontinuity and that provides access to the removable pad. Marcus, however, fails to disclose an absorbent article comprising an absorbent core containing a defined combination of absorbent core components wherein a

non-removable first absorbent core component is combined with a removal second absorbent core component.

Applicants respectfully submit that the Murphy, Lewis, Schiff, and Marcus references fail to teach or suggest the absorbent article of Applicants' Claims 11, 33, and 43-44, as amended. None of these applied references teaches an absorbent article containing a backsheet having a first discontinuity in combination with an absorbent core having a non-removable first absorbent core component and a removable second absorbent core component. Accordingly, based on the teachings of these particular applied references, alone or in combination, the skilled artisan would not be motivated to make an absorbent article containing Applicants' specific combination of absorbent core components, and certainly would not be motivated to incorporate such a combination into an absorbent article to provide for reuse of the article and removal of certain portions of absorbent materials without the need to remove the article from a wearer.

In view of the foregoing remarks, Applicants respectfully submit that these applied references, alone or in combination, do not render Applicants' amended Claims 11, 33, and 43-44 unpatentably obvious under 35 USC 103. Rejection of these claims over Murphy, Lewis, Schiff, and Marcus is improper and should, therefore, be withdrawn.

Schiff and Marcus or Murphy, Lewis, Schiff, and Marcus, and further in view of Dyer et al.

Claims 12, 14, 16, 20, 29, 32, 37-39, and 42 have been rejected under 35 U.S.C. 103 as being unpatentably obvious over Schiff (U.S. Patent 833,849) and Marcus (U.S. Patent 2,688,328) or Murphy (GB 734,994), Lewis (GB 493,819), Schiff (U.S. Patent 833, 849), and Marcus (U.S. Patent 2,688,328), and further in view of Dyer et al. (U.S. Patent 5,387,207). The Examiner contends that it would have been obvious to incorporate the absorbent core disclosed in Dyer et al. into an absorbent article of Lewis or Murphy, to thereby realize Applicants' invention. Applicants respectfully traverse this rejection as it would apply to the amended claims.

Murphy discloses an absorbent article such as a diaper which comprise detachable fastening means, and a pocket formed between two sheets of materials (e.g., a topsheet and a backsheet) wherein the pocket optionally contains additional absorbent materials including one or more absorbent pads. Murphy further discloses that the indicative topsheet material has an opening that provides access to the pocket for insertion and/or removal of the absorbent material(s). Murphy, however, fails to disclose an absorbent article comprising 1) an absorbent core containing a defined combination of absorbent core components, or 2) a backsheet having two distinct discontinuities formed in the backsheet.

Lewis discloses an absorbent article such as a baby diaper which comprises a topsheet having an optional slit, a backsheet having an optional slit, and a removable pad that can be made of single or multi-layer materials and that is interposed between the topsheet and backsheet. Lewis, however, fails to disclose an absorbent article comprising 1) an absorbent core containing a defined combination of absorbent core components, or 2) a backsheet having a recloseable flap securedly positioned over a backsheet discontinuity.

Schiff discloses an absorbent article such as a catamenial garment which comprises two separate openings, one in the front and one in the rear of the garment; and two recloseable flaps that are securedly positioned over the openings, and that provide for the removal of a pad or napkin. Schiff, however, fails to disclose an absorbent article comprising an absorbent core containing a defined combination of absorbent core components wherein a non-removable first absorbent core component is combined with a removal second absorbent core component.

Marcus discloses an absorbent article such as a diaper which comprises a removable pad insert; a topsheet; and a backsheet having a discontinuity in the front region, and a recloseable flap that is positioned over the discontinuity and that provides access to the removable pad. Marcus, however, fails to disclose an absorbent article comprising an absorbent core containing a defined combination of absorbent core components wherein a non-removable first absorbent core component is combined with a removal second absorbent core component.

Dyer et al. disclose absorbent polymeric foam materials such as open-celled polymeric foam materials which are suitable for incorporation into absorbent articles including disposable diapers, and which provide fluid storage/distribution performance. The Dyer et al. reference further discloses absorbent articles comprising an absorbent core which can contain one or more of Dyer et al.'s absorbent polymeric foam materials, or one or more of these polymeric foam materials in combination with other absorbent materials including fibrous nonwoven materials and absorbent gelling materials. Dyer et al., however, fail to disclose an absorbent article comprising 1) an absorbent core containing a combination of absorbent core components wherein a non-removable first absorbent core component such as an absorbent pad containing single or multi-layered non-removable absorbent core materials is disposed in the crotch region, and a removable second absorbent core component containing single or multi-layered removable absorbent core materials is disposed in a first waist region of a defined backsheet, or 2) a backsheet having two distinct discontinuities formed in the backsheet.

Applicants respectfully submit that the Murphy, Lewis, Schiff, Marcus, and Dyer et al. references, in any combination, fail to teach or suggest the absorbent article of Applicants' remaining amended Claims 12, 14, 20, 32, and 37-39. Although the Dyer et al.

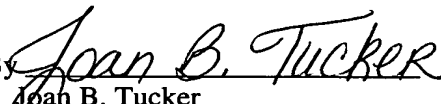
reference discloses absorbent materials such as fibrous nonwoven materials, open-celled polymeric foam materials, and absorbent gelling agents, this particular applied reference fails to disclose Applicants' combination of absorbent core components comprising these absorbent materials. Therefore, Applicants submit that the incorporation of an absorbent core of Dyer et al. into an absorbent article of Lewis or Murphy, or the combined disclosure of either of these applied references, is deficient in teaching Applicants' now claimed limitation of an absorbent core comprising a non-removable absorbent core component in combination with a removable absorbent core component.

In view of the foregoing remarks, Applicants respectfully submit that these applied references, alone or in combination, do not render Applicants' remaining amended Claims 12, 14, 20, 32, and 37-39 unpatentably obvious under 35 USC 103. Rejection of these claims over Schiff and Marcus or Murphy, Lewis, Schiff, and Marcus, and further in view of Dyer et al. is improper and should, therefore, be withdrawn.

Conclusions

Applicants have made an earnest effort to place their application in proper form and to distinguish their claimed invention from the applied prior art. WHEREFORE, reconsideration of this application, entry of the amendments presented, withdrawal of the rejections under 35 U.S.C. 103, and allowance of remaining Claims 11-12, 14, 17, 20, 32-33, 37-39, and 43-44 are respectfully requested.

Respectfully submitted,
FOR: Gary Dean LaVon et al.

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